

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 05-80955

v.

HONORABLE AVERN COHN

D-1, TERRY LEE FLENORY,
D-2, DEMETRIUS FLENORY,
D-7, ALVIN DEMMINGS, II,
D-8, BRIAN RONNELL GARRETT
D-19, BENJAMIN HENRY SMITH,
D-25, KIM VERNELL WILLIAMS,
D-34, WAYNE DARNELL JOYNER,
D-36, DAVID SOLOMON, JR.
D-40, DAVID WALKER,

Defendants,

_____ /

TRIAL SCHEDULING ORDER

This is a complex criminal case. On October 1, 2007, the Court held a conference to discuss various pretrial matters. This order is entered as a follow-up to the conference.

1. It appears that between seven (7) to nine (9) defendants will go to trial.
2. A jury of fifteen (15) will be impaneled. Liaison counsel James Feinberg shall discuss with defendants' counsel whether or not alternates shall be chosen at the close of the case by lot or shall be designated at the time the jury is impaneled and advise the Court. If the alternates are impaneled at the time the jury is impanelled, jurors thirteen (13) to fifteen (15) will be the alternates. They will not be told they are alternates.
3. The defendants shall have twice the number of peremptory challenges as there are defendants. Defendants' challenges shall be exercised collectively. If the

defendants are unable to agree then each defendant shall have two challenges to be exercised as described in a further order. Liaison counsel shall discuss with defendants' counsel how their challenges are to be exercised and advise the Court.

4. The government shall have challenges proportionate to the increase in the number of challenges allocated to defendants based on a six (6) to ten (10) ratio.

5. The strike system of jury impanelment shall be used.

6. By October 15, 2007, the government shall lodge with the Court with copies to defendants:

- a. A witness list;
- b. An exhibit list numbered for trial;
- c. A summary of the indictment which is to be read to the jury;
- d. A redacted form of the indictment;
- e. A draft of the verdict form;
- f. A draft of the instructions to the jury on the law of the case.

7. The government shall advise the Court by October 15, 2007, of the manner in which it intends to handle exhibits, *i.e.*, will the jurors have a notebook of the exhibits, etc.

8. Jurors shall be allowed to take notes.

9. Liaison counsel shall use his best efforts to coordinate additional *voir dire* questions to prospective jurors.

10. Documentary exhibits listed by the government shall be deemed authentic and arguably relevant unless the Court is advised in advance of trial of objections to particular exhibits.

11. Jury impanelment will begin **Monday, November 5, 2007, at 9:00 am.**

Any objection to this order shall be filed with the Court by **Noon October 12, 2007**.

SO ORDERED.

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: October 2, 2007

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, October 2, 2007, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5160

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